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REMARKS

Claims 7-13 and 21-24 remain pending. Claims 1-6 and 14-20 have been withdrawn from consideration by the Examiner. Applicant does not acquiesce to such withdrawal, however, because the original restriction requirement was, and is, improper.

In the Office Action, the Examiner made the prior restriction requirement final; objected to the specification; objected to claim 8; rejected claims 7-13 under 35 U.S.C. § 103(a) as being unpatentable over Larson et al. (US 2004/0252456) in view of Espinoza-Ibarra et al. (US Pat. No. 6,961,242); and rejected claims 21-24 under 35 U.S.C. § 103(a) as being unpatentable over Larson et al. in view of Aldridge et al. (US Pat. No. 6,791,209).

The restriction requirement continues to be improper, and the Examiner ignored several grounds in its previous traversal. Applicant respectfully reminds the Examiner, and SPE Feild who signed the Office Action, of the duty to explicitly answer all material traversed in accordance with M.P.E.P. § 707.07(f): "Where the applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the applicant's argument and answer the substance of it" (M.P.E.P., pg. 700-123). As far as Applicant can tell, page 2 of the Office Action addresses only page 2, lines 16-19, of the Response to Restriction Requirement. The substance of the remainder of the Response (i.e., page 2, line 20, through the end of page 5) has not been answered.

The finality of the Requirement, then, is improper. A new Office Action that corrects this defect is respectfully requested. If such is not forthcoming, this will be petitioned by a separate filing.

The objection to the specification has been obviated by the amendments to paragraphs [0025] and [0026] above.

The objection to claim 8 has been obviated by the amendment to the claim.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success.

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Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. See M.P.E.P. § 2143.

Claims 7-13:

A *prima facie* case of obviousness has not been established for claims 7-13, because one of ordinary skill would not have been motivated to add Espinoza-Ibarra et al. to Larson et al. No evidence has been provided, from either reference or otherwise, suggesting the desirability of the combination. Only a bare conclusion has been provided on page 4, lines 3-5, of the Office Action has been provided. No need, or deficiency has been shown in Larson et al. that would motivate one of ordinary skill in the art to add two power supplies from Espinoza-Ibarra et al. has been demonstrated. Because no evidence of any need or deficiency in Larson et al. that would have motivated the addition of Espinoza-Ibarra et al. has been provided, a *prima facie* case of obviousness has not been established for claims 7-13.

Along these lines, Espinoza-Ibarra et al. *does not* teach or suggest detecting the failure of each of two power supplies, as alleged in the sentence spanning pages 3 and 4 of the Office Action. Col. 3, lines 33-47, of Espinoza-Ibarra et al. certainly does not teach or suggest it. The only time “fail” appears in the reference, it is with respect to “blades” or “replaceable modules” (see col. 4, lines 5-10). Col. 3, lines 58-67, of Espinoza-Ibarra et al. make clear that such blades or modules do not include power supplies 142 and 148, as does Fig. 1. Hence, the supporting allegation of the “failure of each of the power supplies is detected” on page 4 of the Office Action appears to have been fabricated or greatly exaggerated. Either way, Espinoza-Ibarra et al. merely teaches or suggests two power supplies, and not detecting their failure. This fact further contributes to the lack of motivation to add Espinoza-Ibarra et al. to Larson et al.

A *prima facie* case of obviousness also has not been established, because the references teach away from the proposed combination. See M.P.E.P. § 2145(X)(D) (“proposed modification cannot render the prior art unsatisfactory for its intended purpose or change the principle of operation of a reference”). Larson et al. appears to disclose individual card-based units through which airflow may be controlled (see Figs. 6, 10, 13, 16). Larson et al. neither teaches nor suggests a power supply explicitly. Espinoza-Ibarra et al. suggests using two fans to

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differently cool different portions of a system (e.g., different groups of blades) (see col. 4, lines 27-36). Neither reference teaches or suggests altering airflow to a power supply when its failure is detected, as required by claims 7-13. Hence, both references teach away from the proposed combination.

Also, to add two power supplies from Espinoza-Ibarra et al. would necessarily change the principles of operation of the Larson et al., because such would require that the power supplies be added *within* the card-like units of Larson et al. (see Fig. 6). These card-like units in Larson et al. plainly do not, and cannot, include power supplies (see [0002] in Larson et al. for a description of what cards typically carry). Adding multiple power supplies to removable cards would change the principles of operation of both references. Hence, the references teach away from the proposed combination. A *prima facie* case of obviousness has not been established for claims 7-13 for this additional reason.

Claims 21-24:

The rejections of claims 21-24 are traversed for the same reasons as claims 7-13. No evidence or technical reasoning has been provided of the desirability of adding multiple power supplies from Aldridge et al. to the card-like units of Larson et al. See the unsupported, bare conclusion on page 6, lines 9-11.

That Aldridge et al. teaches in col. 4, lines 34 and 35, that a power supply may be turned off does *not* suggest or motivate adding such power supply to a number of airflow restrictors, as set forth in claim 21. In fact, this portion of Aldridge et al. teaches away from such combination, because lines 36 and 37 of col. 4 teach that air may still flow over the turned-off supply (e.g., unrestricted) from the associated fan.

Also the principles of operation both references would be severely altered, as explained above, by the addition of multiple power supplies to the card-like units of Larson et al. A *prima facie* case of obviousness has not been established for claims 21-24, at least because no motivation has been provided for the combination and because the references teach away from it.

Reconsideration and allowance of all originally-filed claims 1-24 are respectfully requested.

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In the event that any outstanding matters remain in this application, Applicant requests that the Examiner contact Alan Pedersen-Giles, attorney for Applicant, at the number below to discuss such matters.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-0221 and please credit any excess fees to such deposit account.

Respectfully submitted,

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